

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
FILE NO. 3:07-cv-496-GCM

MA'LISSA SIMMONS, MONTERRUS)
MARSHALL, YOLANDA)
CARRAWAY and DELANA PRUITT,)
on behalf of themselves and all others)
similarly situated,)

Plaintiffs,)

v.)

UNITED MORTGAGE AND LOAN)
INVESTMENT, LLC, ARTHUR E.)
KECHIJIAN AND LARRY E. AUSTIN,)
AUSTIN INVESTMENTS, L.P.;)
KECHIJIAN INVESTMENTS, L.P.,)
UMLIC CONSOLIDATED, INC.;)
UMLIC HOLDINGS, LLC; UMLIC-)
SEVEN CORP.; UNITED MORTGAGE)
HOLDINGS, LLC; and UNITED)
MORTGAGE LOAN AND)
INVESTMENT, L.L.C.)

Defendants.)

**PLAINTIFFS' AMENDED MOTION
FOR COURT-SUPERVISED
NOTICE, CONDITIONAL
CERTIFICATION AND
DISCLOSURE OF IDENTIFYING
INFORMATION**

Plaintiffs incorporate, by reference, the previously filed Brief in Support of Motion for Court Supervised Notice, Conditional Certification and Disclosure of Identifying Information; Consent to Join; Notice of Pendency; and Declarations in Support of Brief all filed on May 21, 2008.

Plaintiffs for themselves and for all others similarly situated, as described in the attached previously-filed brief, hereby move for the following relief in this Fair Labor Standards Act collective action:

- a. Court-facilitated notice to the potential collective action members,

- b. Conditional collective action certification under the Fair Labor Standards Act, and;
- c. An order that defendant disclose the names, addresses, email addresses, telephone numbers and Social Security numbers of all potential collective action members.

The motion is based upon the grounds stated in plaintiffs' brief: essentially that, under the "lenient," "modest," "relaxed" standard for FLSA condition certification, plaintiffs have made a preliminary showing that the collective action members are "similarly situated." 29 U.S.C. § 216(b); Hoffman-La Roche Inc. v. Sperling, 493 U.S. 165 (1989).

Pursuant to Local Rule 7.1(A), the undersigned has attempted in good faith to confer with Defendants' counsel on this matter, but has not been able to resolve this matter. Defendants' counsel has advised the undersigned that Defendants will not consent to Plaintiffs' Motion for Court-Supervised Notice, Conditional Certification and Disclosure of Identifying Information.

Respectfully submitted, this the 2nd day of June, 2008.

/s/ Jessica E. Leaven
Jessica E. Leaven, NC State Bar No. 27832
Burton Craige, NC Bar No. 9180
Leto Copeley, NC Bar No. 12624
Patterson Harkavy LLP
100 Europa Drive, Suite 250
Chapel Hill, NC 27516
Tel: 919.942.5200
Fax: 919.942.5256
jleaven@pathlaw.com
bcraige@pathlaw.com
lcopeley@pathlaw.com

Attorneys for Plaintiffs and the Proposed Plaintiff Class

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing *Amended Motion for Court-Supervised Notice, Conditional Certification and Disclosure of Identifying Information* was filed electronically with the Clerk of Court using the CM/ECF system which will send notification of such filing to Kevin V. Parsons, kparsons@pcwlawfirm.com, Attorney for Defendants, and that a copy of the foregoing has been served this day by first-class mail, postage prepaid upon the following:

Aaron M. Christensen
Smith & Christensen
6302 Fairview Rd.
Suite 309
Charlotte, NC 28210

This the 2nd day of June, 2008.

/s/ Jessica E. Leaven
Jessica E. Leaven
NC State Bar No. 27832
Patterson Harkavy LLP
100 Europa Drive, Suite 250
Chapel Hill, NC 27516
Tel: 919.942.5200
Fax: 919.942.5256
jleaven@pathlaw.com

*Attorney for Plaintiffs and the
Proposed Plaintiff Class*